

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0249

HOUSE BILL NO. 1014

Introduced by: The Committee on Retirement Laws at the request of the South Dakota Retirement System

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South Dakota
2 Retirement System special pay plan.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 3-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A participant's account is fully vested in the program at any time on or after the date the
7 participant begins participation in the program. A participant's account is not subject to any
8 forfeiture pursuant to the provisions of the program. A loss as described in § 3-12-188 is not
9 considered to be a forfeiture.

10 Section 2. That § 3-12-169 be amended to read as follows:

11 3-12-169. Upon a participant's termination of employment, the participating unit shall
12 transmit the gross amount of the participant's special pay to the fund. However, except to the
13 extent permitted under § 414(v) of the code, if applicable, a contribution allocated to a member's
14 account under the program ~~shall~~ may not exceed forty-one thousand dollars, as adjusted for
15 increases in the cost-of-living pursuant to § 415(d) of the code, or one hundred percent of the



1 participant's compensation, as identified in § 415(c)(3) of the code and § 1.415-2(d)(1) of the
2 Code of Federal Regulations in effect on January 1, 2005, for the calendar year. For the purposes
3 of the limitations under this section, all of the defined contribution plans of a participant's
4 employer, whether terminated or current, shall be treated as a single defined contribution plan.